

REMARKS

Claims 1-38 are currently active.

The Examiner has rejected Claims 1, 4-7, 9-15, 17-20, 23-26, 28-34 and 36-38 as being unpatentable over Presley and Masterson. Applicants respectfully traverses rejection.

Referring to Presley, there is a disclosed a system and method for actively managing an enterprise of configurable components. The Examiner cites paragraph 33 of Presley for the contention that it teaches the limitation of changing the running configuration information in response to a configuration change request received from a network management system at a first interface. It is respectfully submitted referring to paragraph 3 of Presley, there is simply identified a user interface. Paragraph 33 states that in the described embodiment, the management counsel 31 executes as a web browser-based application that presents an intuitive and user-friendly user interface. The core of the management system 30 is a management configuration module 35 that executes as a Java server application on a Java virtual machine 34. That is all that paragraph 33 teaches. It certainly does not teach the specific limitation of changing the running configuration information, let alone in response to configuration change requests.

Referring to Masterson, there is disclosed an on line system that facilitates configuration and administration of residential electronic devices. In pertinent part, the Examiner cites paragraph 32 and 33 of Masterson as teaching a network management system with a centralized data base of configuration information that is controlled from outside the management system at a secondary interface. With reference to paragraphs 32 and 33 of Masterson, in fact, there is only taught a single interface, not a second interface besides a first interface. Masterson teaches at paragraph 33 that server 302 provides an online device configuration and administration service for compatible residential electronic devices. It maintains a data base of configuration information for each register device, and allows device owners to interact with the data base via a web-based interface. The device 202 may provide an retrieve configuration data to and from the data base.

From the above discussion, it is clear that Presley at best simply teaches a single interface, and Masterson at best simply teaches a single interface regarding configuration information that is controlled from outside the management system. From the existence of these two distinct teachings, the Examiner concludes that it would be obvious to combine them to make the leap of a system with two interfaces and then make the leap that the limitation of "the configuration information potentially being updated due to the configuration change requests received by the network device at the second interface, and (2) under predetermined conditions, (i) sending an up load configuration request to the network device

and subsequently receiving the configuration file from the network device, and (ii) updating the configuration information and the data base using the contents of the configuration file".

There is absolutely no teaching or suggestion of configuration change requests received from a network management system at a first interface and configuration change request received from outside the network management system at a second interface and any way to update the configuration information after changes have occurred to the configuration information due to the second interface. It is respectfully submitted that the Examiner is using the hindsight of the limitations of Claim 1 to find these limitations in the applied art of record and by simply finding the two different interfaces in the applied art of record, without any actual teaching or suggestion, concludes that the remainder of the limitations are obvious, even though they embody a significant advancement in the art. As the Examiner knows, hindsight is not the law let alone designing a system to be able to say that applicants' claimed invention is obvious. Consequently, because the Examiner is reading the limitations into the teachings of the applied art of record, Claim 1 is patentable over the applied art of record.

Moreover, patent law requires there be some teaching or suggestion in the references themselves to combine their teachings to arrive at applicants' claimed invention. Here, there is no such teaching or suggestion in the applied art of record to combine their teachings. For this reason also, Claim 1 is patentable over the applied art of record. The

teaching of each reference must also be taken in the context it is found. There is no reference teaching two interfaces together.

In the Response to Arguments section in the Office Action, paragraph three, the Examiner says that Presley teaches a management counsel interface for change requests. This console contains a management configuration module and is the interface to a management server. These components work to change the running configuration in response to change requests (Presley, paragraphs 34-37). As explained above, nowhere in paragraph 33 of Presley is there any mention of change requests.

In regard to paragraphs 34-37 of Presley, there is also no teaching or suggestion of change requests. Paragraphs 34-37 simply teach that the management configuration module 35 periodically probes the individual network components 33 for new or changed network components. The management configuration module 35 probes the individual network components 33 to discover new hardware resources, such as the number of processors, amount of physical random access memory, a number of network interface cards, disk capacity and so forth, to factor into the validation, impact analysis, and change control. See paragraph 35 of Presley.

Presley further teaches that upon discovering a new or changed component or server, the manager and configuration module 35 requests and receives the runtime configuration parameters 41 of a corresponding client module 37. As is clear from the above teachings of Presley, there is no teaching or suggestion of a change request. Instead, Presley teaches to search or probe for changes that already exist and make a note of them. This is distinct and different from Claim 1 of applicants.

The Examiner has rejected Claims 2, 3, 8, 16, 21, 22, 27 and 35 as being unpatentable over Presley and Masterson and Hasan. Hasan adds nothing in relevant part to Presley and Masterson in regard to applicants' claimed invention.

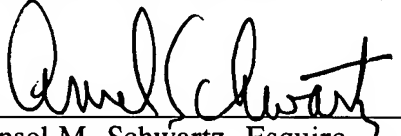
Claims 2-19 are dependent to parent Claim 1 and are patentable for the reasons Claim 1 is patentable.

Claim 20 is patentable for the reason Claim 1 is patentable. Claims 21-38 are dependent to parent Claim 20 and are patentable for the reasons Claim 20 is patentable.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-38, now in this application be allowed.

Respectfully submitted,

YVES-ANDRE CHAMPAGNE, ET AL.

By 
Ansel M. Schwartz, Esquire

Reg. No. 30,587

One Sterling Plaza

201 N. Craig Street

Suite 304

Pittsburgh, PA 15213

(412) 621-9222

Attorney for Applicants